

REMARKS

Claims 1-11 are pending in this application. By this Amendment, claim 1 is amended and claim 11 is added. Support for the claim amendments and added claim is provided in Applicants' disclosure, for example, on page 11, lines 4-22, and in Figs. 6A and 6B. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-7 and 9 under 35 U.S.C. §103(a) over U.S. Patent No. 7,160,265 to Lell in view of U.S. Patent No. 3,802,430 to Schwebel et al. (hereinafter "Schwebel"); and rejects claims 8 and 10 under 35 U.S.C. §103(a) over Lell in view of Schwebel and further in view of U.S. Patent No. 6,328,714 to Bellhouse et al. (hereinafter "Bellhouse"). The rejections are respectfully traversed.

Claim 1 recites, among other features, a disposable needleless injection device comprising an expanding membrane, furled before operation, constituting a sealed wall between a combustion chamber and a reservoir of active principle, said membrane being able, in operation, to deploy under the action of the gases originating from the combustion of the pyrotechnic charge, wherein the membrane is a cylindrical tube having a closed end and an open end, the closed end being positioned, before operation of the device, in the second volume of the combustion chamber and being positioned, after operation of the device, within the reservoir of active principle. The combination of Lell and Schwebel cannot reasonably be interpreted as having suggested the combination of all of the features positively recited in claim 1, as discussed below.

Lell teaches a needleless injection device with a pyrotechnic drive. The Office Action concedes, on page 2, that Lell does not teach a needleless injection device comprising a membrane.

The Office Action relies on Schwebel to overcome the deficiencies of Schwebel. Schwebel teaches a disposable pyrotechnically powered injector that utilizes an encapsulated pyrotechnic propellant charge 25 (see, e.g., Schwebel at col. 1, lines 39-40 and col. 3, lines 8-10). Schwebel teaches an expanding bellows 42 that is sealed on one end by a piston 44 (see, e.g., col. 3, lines 30-31). As shown in Figs. 1 and 2, during operation the bellows expands and is destroyed. Schwebel cannot reasonably be interpreted as having suggested a membrane, for example, being a cylindrical tube having a closed end and an open end, the closed end being positioned, before operation of the device, in the second volume of the combustion chamber and positioned, after operation of the device, within the reservoir of active principle. Applicants' disclosure describes the advantages of the claimed membrane, including that this element is not destroyed during operation. The combination of Lell and Schwebel fails to have suggested the claimed membrane, and this element performs a function not found in the prior art.

For at least the foregoing reasons, the combination of Lell and Schwebel cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in independent claim 1. Further, claims 2-7 and 9 also would not have been suggested by the combination of Lell and Schwebel for at least the respective dependence of these claims on allowable base claim 1, as well as for the separately patentable subject matter that each of these claims recites.

The Bellhouse reference is not applied in a manner that would have overcome the above-identified shortfalls in the application of Lell and Schwebel to the subject matter of independent claim 1. Bellhouse teaches a particle delivery device with a reusable cartridge comprising a source of compressed gas and a particle container. Bellhouse fails to teach, or to have suggested, a membrane having the combination of features recited in claim 1. Claims 8 and 10 would not have been suggested by the asserted combination of Lell, Schwebel and

Bellhouse based on the respective dependence of these claims on allowable base claim 1, as well as for the separately patentable subject matter that each of these claims recites.

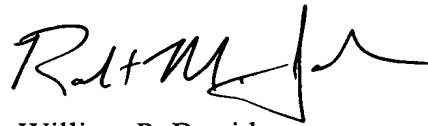
Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over the asserted combinations of applied references are respectfully requested.

Claim 11 is also allowable over any combination of the applied references based on the dependence of this claim on allowable base claim 1, as well as for the separately patentable subject matter that this claim recites.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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